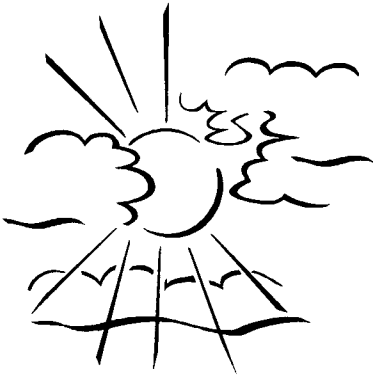


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# **Articles in Today's Clips**

## **Tuesday, January 31, 2006**

(Be sure to maximize your screen to read your clips)

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# Grandfather is suspect in baby's abuse death

Tuesday, January 31, 2006

By Ken Kolker  
The Grand Rapids Press

SHELBY -- A grandfather who is a convicted child molester is the primary suspect in the sexual assault of his 5-month-old grandson, who died as a result of the attack, the Oceana County prosecutor said.

Juan M. Gonzalez, 46, of Holland, was staying in an apartment in downtown Shelby with his two young grandsons, including the victim, and was allowed by the parents to share a bedroom with the boys, according to records in Oceana County Circuit Court.

Prosecutor Terry Shaw said he plans to meet with investigators this week to discuss the case.

"That's a no-brainer to say he'd be the one to be looked at," Shaw said Monday of Gonzalez.

Shelby Police Chief Bob Wilson said the grandfather is the only suspect. Detectives, he said, have ruled out all others and are building a case against Gonzalez. They were awaiting results from crime lab tests.

But Gonzalez professed his innocence Monday in the Dec. 12 death of his grandson, Sebastian Gonzalez, whom police said died from an infection caused by sexual assault.

"I didn't do this. I don't know where they are coming up with this," Juan Gonzalez said.

His wife of six months, Berangila "Bree" Gonzalez, defended her husband. She said she stayed in the same room and her husband was not alone with the baby.

"We were never in separate rooms," she said.

Police acknowledge Gonzalez has repeatedly denied any assault. "He's one of the ones who says, 'Prove it,'" Wilson said.

About a week after the death, Shaw filed a petition on behalf of the state Department of Human Services to take Sebastian's 22-month-old brother, Jacob, from his parents, according to court records.

In that petition, the prosecutor alleged that the boys' parents, Jaime Gonzalez and Samantha Trout, allowed the grandfather to "share a bedroom with the children of the family."

"Juan Gonzalez is a convicted sex offender, having been known to sexually assault (a person known to him) in the past," the petition states. "Jaime Gonzalez and Samantha Trout were both aware of Juan Gonzalez's sexually abusive behavior with children at the time that he shared their house..."

They also "allowed him to provide direct, unsupervised care for the children," Shaw alleged.

Juan Gonzalez admits a past conviction for sexual assault 10 years ago, but said he has focused on repairing strained family relationships since his release from prison in 1999.

"Everything got torn down when I went to prison," he said. "Why would I do this and tear everything down again? I was just beginning to make everything work in my life."

Gonzalez said he has cooperated fully with police and taken four polygraph tests. He believes police are trying to get him to confess and claims he is a scapegoat.

"I ain't going to say I did something I didn't do," he said.

His wife said Gonzalez never watched Sebastian and his brother, Jacob, by himself. The couple were in Shelby in early December for a family member's funeral.

"I was the one who had the care of the baby," Bree Gonzalez said. "How they cannot see he is innocent is beyond me."

She said other people watched the two children in December and suggested police should look at them.

In the petition, Shaw, the prosecutor, also alleged the parents did not seek care for Sebastian after he started suffering from the infection that led to his death.

The parents are not facing charges and were cleared in the death, police said.

The petition led to the temporary removal of Jacob from the parents' home, court records show.

The boy is staying with his maternal grandmother in the Shelby area, and his parents are allowed supervised visits, according to records.

In an earlier interview, the parents refused to discuss the alleged suspect, other than to say he was an acquaintance who cared for their sons on two occasions. They also said they didn't know Sebastian was in danger.

The couple could not be reached for comment on Monday.

Gonzalez was charged in early 1996 with two counts of first-degree sexual assault of a girl under age 13 who was known to him, court records show. He pleaded guilty to second-degree sexual assault with a child under 13 -- a felony.

He was sentenced to 2 to 15 years in prison. He was discharged from parole in 2003, prison records show.

# Man arrested for allegedly beating nephew

Tuesday, January 31, 2006

By Scott Hagen  
shagen@citpat.com -- 768-4929

A 27-year-old man is in jail for allegedly beating his 8-year-old nephew who was living with him, police said.

The man is expected to be arraigned today in District Court on one charge of child abuse causing great bodily harm less than murder. His name is being withheld until then.

The boy's injuries were discovered early Monday when Deputy Cory Caroffino of the Jackson County Sheriff's Department stopped at Michigan Center's Arnold Elementary School.

Caroffino, a school liaison officer, found the boy in the principal's office.

The boy had "severe swelling and bruising on top of his forehead, the temples were swollen about an inch and a half and he had two jet-black eyes," Caroffino said.

A further inspection of the boy found additional bruises on his arms and legs, and extensive bruising to his buttocks.

The boy was living with his aunt and uncle, who became his legal guardians about a week ago, Caroffino said. The couple has two biological daughters, ages 8 months and 4 years.

Deputies later questioned and arrested the uncle at his Leoni Township home. The boy was treated at Foote Hospital and placed in foster care, Sheriff's Capt. Kevin Stellingworth said.

The aunt, 23, initially hid her two children from deputies and only turned them over when the deputies threatened to arrest her, Caroffino said. The two children were also placed in foster care, Stellingworth said.

Published January 31, 2006

## **Searchers for Ricky earn praise Prosecutor says hundreds helped focus investigation**

By Kevin Grasha  
Lansing State Journal

The efforts of hundreds of volunteers who looked for Ricky Holland in sweltering heat last summer were not in vain, Ingham County Prosecutor Stuart Dunnings III said Monday.

In fact, it helped authorities focus their investigation.

"Sometimes in law enforcement, what you don't find can be as helpful as what you do find," he said.

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Additional charges are expected to be filed against Lisa Holland or her husband, Tim Holland, in the disappearance and death of their adopted 7-year-old son.

Dunnings said further charges are pending the results of an autopsy of Ricky's remains, as well as forensic testing of evidence police collected Saturday at the Hollands' Williamston home.

"It should give me a better understanding about whether one of them - or both - are culpable," he said.

Ricky's remains were found Friday afternoon after Tim Holland led police to a remote area, about 200 yards south of the intersection of Williamston and Ewers roads in Bunker Hill Township.

Ingham County sheriff's Lt. Jeff Joy on Monday would not confirm or deny reports that Ricky's badly decomposed remains were found in a plastic bag.

The Hollands are being held in the Ingham County Jail on obstruction of justice charges. On Saturday, both of their bonds were set at \$1 million.

Ricky was reported missing July 2, kicking off a massive search effort that involved hundreds of volunteers and law enforcement personnel and generated national attention.

Contact Kevin Grasha at 267-1347 or [kgrasha@lsj.com](mailto:kgrasha@lsj.com).

# Caseworkers Missed Chances to Save Nixzmary, Report Says

By JIM RUTENBERG and MIKE McINTIRE  
The New York Times

Published: January 31, 2006

Repeated lapses over many months by caseworkers at the city's child welfare agency created a chain of missed opportunities to save Nixzmary Brown, culminating in a canceled plan to visit her home the night she was killed, agency officials said yesterday.

A preliminary review released by the city's Administration for Children's Services gave the most detailed account of the case to date, and it found that police officers played a role in deciding against conducting an emergency intervention at a crucial juncture in December: when a guidance counselor reported that the girl, already emaciated, had returned to school with a black eye after a prolonged absence.

And, adding to questions about whether the police missed an opportunity to help prevent the girl's death, the report says caseworkers believed that the detectives had spoken for 15 minutes with the man now accused of Nixzmary's murder, her stepfather, Cesar Rodriguez. That was at odds with the Police Department's own assertion that its detectives did not speak with Mr. Rodriguez and, in fact, that detectives had played only a limited role in the case.

The new chronology of missteps in Nixzmary's case came as City Hall remained transfixed by what is suspected to be another case of fatal child abuse, this time in the Bronx, and the potentially deadly inefficiencies in the system designed to prevent it. The review was released as the city's child welfare commissioner, John B. Mattingly, appeared before the City Council to answer questions about agency procedures and as the police sorted through the details of the most recent death, in a home the agency had been monitoring.

The report on the death of Nixzmary, 7, revealed a series of missteps and miscommunications that hampered efforts to protect the little girl.

The report said caseworkers had failed to react to warning signs of a "crisis mounting in the household," including Nixzmary's extended absences from school, strange behavior by the girl's mother and an inability to gain access to the child's Brooklyn apartment to check on her. A summary accompanying the report said caseworkers had taken weeks to contact the school guidance counselor who had initially reported Nixzmary's prolonged absence.

On Jan. 10, an agency supervisor instructed caseworkers to go to Nixzmary's home that night, but they never went, the report said. Instead, a caseworker went to the apartment the next

morning, discovered ambulances and police officers at the scene, "and was informed that Nixzmary had died."

During testimony before the City Council's General Welfare Committee yesterday, Mr. Mattingly pinpointed "two lost opportunities," in which, he said, "we were in a position to protect Nixzmary and were not able to get the job done."

The first opportunity, he said, came in May, when a guidance counselor at the girl's school reported that the child had missed 46 days and had sustained a burn to her hand, among other injuries. But after a two extensive reviews, the agency determined that Nixzmary was not suffering educational neglect and that her absences had been due to her mother's inability to get her to school during her pregnancy.

"There is no way you can unfound an educational neglect case when a child has missed 46 days of school," Mr. Mattingly said yesterday. He said the agency was considering new procedures requiring more aggressive investigation in such cases.

The second missed opportunity, Mr. Mattingly said, started with school officials again reporting suspicions of abuse in early December. Mr. Mattingly said during his testimony that caseworkers had moved quickly, but inadequately, to investigate. For one, he said, caseworkers should have been more diligent in pursuing a court order giving them access to Nixzmary's home after Mr. Rodriguez refused to let them in.

And the revelations about the police handling of the case came amid simmering tensions between the Police Department and the child welfare agency. While agency workers said that detectives had spoken to Mr. Rodriguez for 15 minutes, City Hall officials appeared to partly back up the Police Department's account, saying that one of the detectives involved in the case may have at one point been in the same room with Mr. Rodriguez during a meeting at her school — but that it was still unclear how extensively the two had spoken at the time, if at all.

During the hearing yesterday, City Council officials called for a protocol requiring high-level attention in cases where child welfare workers are barred from entering homes with suspected child abuse. "Why wouldn't that immediately send up every red flag there is?" said the committee's chairman, Bill de Blasio.

But Mr. Mattingly pointed to several other problems, as well. He said that upon receiving the new complaint in December, authorities failed to form the sort of emergency response team of police detectives and caseworkers that is required in cases determined to be the most serious. Mr. Mattingly said in his testimony yesterday that appeared to be "a mutual decision."

Case notes indicate that the child welfare official in charge of initiating such an "instant response team" had moved to do so, the report found, "but this was later contradicted in an interview where she clarified that the discussion with Detective F. concluded the case not to be an I.R.T.," the abbreviation for the emergency team. Detective F. is not more fully identified in the report. Speaking with reporters later, Mr. Mattingly said, "There's no question in my mind that our team and police decided jointly not to make it into a formal I.R.T. case."

City officials said it was clear that protocols had not been followed and that such a decision should not rest with the police anyway — it should rest with child services officials.

But this, too, was part of a litany of lost chances, according to the report, which officials stressed was preliminary and could change in its final incarnation.

The report lists several calls from school officials alerting caseworkers in mid- and late December to Nixzmary's continued absences.

And, the chronology ends by describing how a manager directed a caseworker return to Nixzmary's home the night of Jan. 10, but in consultation with others, the caseworker decided to go the following morning instead. It was that night when the tumult began that led to her death, discovered in the early morning hours of Jan. 11.

# 4-Year-Old Bronx Boy Is Dead; Family Was Being Investigated

By LESLIE KAUFMAN and AL BAKER  
The New York Times

Published: January 31, 2006

A 4-year-old Bronx boy whose family was being investigated by child welfare officials died yesterday after suffering a fractured skull and severe lacerations to his liver in the messy, cold two-bedroom apartment he shared with four siblings and two adults, officials said.

The boy's mother, 26, and her companion, 18, were being held last night for questioning in the child's death, the police said. Law enforcement officials said they were also investigating whether the boy's siblings, who were taken into custody by the Administration for Children's Services, had been abused.

The death of the boy, Quachon Browne, was at least the fifth fatality since November of a child whose family was known to the child welfare authorities. The previous cases included the death of Nixzmary Brown, a 7-year-old Brooklyn girl who the police said was killed by her stepfather. That case, shot through with a litany of missed opportunities to save the girl, put intense public scrutiny on the agency and its efforts to protect children.

"This is just so sad," said Daisy Castro, a neighbor of Quachon's family. "He was a beautiful little kid. We just can't understand how it happened."

Hours after Quachon's death, the child welfare agency released a review of the mistakes it made in the Nixzmary Brown case — including a failure to quickly interview a guidance counselor who had made the original complaint to the child abuse hotline — and the agency's commissioner, John B. Mattingly, weathered intense questioning during a City Council hearing. [Page B1.]

Mr. Mattingly said child welfare workers had made "a timely visit to the home" after a recent allegation that one of Quachon's sisters was not attending school. He could not say how recent the visit had been.



As the story of Quachon's life and death unfolded, it quickly took on many of the familiar dark aspects of deaths of children whose families had come to the agency's attention: warnings by school officials who suspected problems in the family; a visit by the police; suspicions by neighbors; and the recent arrival into a troubled home of a new boyfriend for a struggling mother.

Officers went to Quachon's family's first-floor apartment on Kossuth Avenue in the Norwood section of the Bronx about 3:30 a.m. after the mother, identified as Aleshia Smith, called 911 to report that the child was unconscious. Quachon was taken to North Central Bronx Hospital, where he was pronounced dead on arrival at 4:18 a.m., the police said.

The mother and her boyfriend, identified as Jose Calderon, were immediately taken for questioning to the 52nd Precinct station house, where they spent the day.

A law enforcement official said the mother told the police that Quachon was struck by a falling television on Friday and began vomiting on Sunday night.

The police said that Quachon and four siblings were jammed into a single bedroom in the first-floor apartment, which was unusually cold due to a broken window, and that there was no food in the refrigerator.

Ellen Borakove, a spokeswoman for the city's medical examiner's office, said the cause of death had not been determined. A law enforcement official said, however, that the medical examiner's office had told detectives that the child had had a lacerated liver, old and new bruises, and atrophied leg muscles.

Detectives said that they were told by hospital personnel that Quachon had a fractured skull. They said they believed that the child had been assaulted and that the assault had caused his death, a law enforcement official said. He and other law enforcement officials spoke on condition of anonymity because the investigation is continuing.

Complaints about the family had been made to child welfare authorities three times — twice by school officials and once by the police, officials said. The first report came on May 16, when Public School 280, which two of Quachon's older sisters attended, filed an allegation of educational neglect, meaning that the girls were missing too much school, an education official said.

Reporting for this article was contributed by Kareem Fahim, Elissa Gootman, Kate Hammer, Corey Kilgannon, Colin Moynihan, Nate Schweber and Matthew Sweeney.

# **Trial Opens in Challenge to Law Over Teenage Sex**

By JODI RUDOREN  
The New York Times

Published: January 31, 2006

WICHITA, Kan., Jan. 30 — A federal trial opened here Monday over whether a Kansas law prohibiting virtually all sexual activity by people under age 16 means health care professionals and educators must report such behavior to state authorities, which some say would stop many teenagers from seeking contraception or treatment for sexually transmitted diseases.

The class-action lawsuit stems from a 2003 opinion by the Kansas attorney general, Phill Kline, a conservative Republican who has developed a national reputation for fighting abortion and whose pursuit of abortion clinic records is also being challenged in court.

Mr. Kline's interpretation of the law focused mainly on the reporting duty of abortion providers, arguing that any pregnant, unmarried minor had by definition been the victim of rape or abuse. But it included a broad mandate for reporting whenever "compelling evidence of sexual interaction is present."

Bonnie Scott Jones, a lawyer for the Center for Reproductive Rights in New York, which is representing the plaintiffs, said in her opening statement that Mr. Kline's "dragnet approach" to amassing information on under-age sex violated minors' privacy rights and the Constitution's equal protection clause, and that it "seriously endangers the health and well-being of adolescents."

"Sexual abuse is not synonymous with consensual sexual activity," Ms. Jones said to the judge deciding the case, J. Thomas Marten of Federal District Court. "Consensual sexual activity is not inherently injurious. It is a normal part of adolescent development."

Steve Alexander, an assistant attorney general defending the suit, said the Kansas statute meant that those younger than 16 could not consent to sex, and that those violating the law forfeited any privacy rights.

"Illegal sexual activity by minors can lead to S.T.D.'s, unwanted pregnancies, abortion, depression, mental illness," Mr. Alexander said. "To pretend otherwise is foolish." He said the case was in essence a challenge to the law barring consensual sex between young people of a similar age, which he called "a policy argument that plaintiffs would be better served making in the Legislature."

Kansas is one of 12 states where sex under a certain age — 16, 17 or 18 — is illegal regardless of the age difference between partners, according to a 2004 report prepared by the Lewin Group, a consulting firm, for the federal Department of Health and Human Services. Laws on reporting child sexual abuse also vary, but a third of states require reporting only when statutory rape involves a parent or guardian, the report found.

Dr. Robert W. Blum, a Johns Hopkins University professor and an expert in pediatrics and adolescent medicine, who was the plaintiffs' lead witness, testified Monday that only one state, California, had previously tried to require reporting of all under-age sex, and that it reversed course after a year in the early 1990's because the authorities were flooded with "irrelevant and obstructive" reports.

Among the plaintiffs' arguments is that blanket reporting of sexual activity would be futile because the Kansas Department of Social and Rehabilitation Services has a policy against investigating cases of consensual teenage sex.

Pressed on cross-examination, Dr. Blum said he did consider all sex by children 12 or younger to be "problematic" and worthy of reporting, but he said, "That's distinctly different than a 14-, 15- or 16-year-old in a romantic relationship."

Nationally, studies suggest that about 30 percent of teenagers under 16 have had intercourse, and an additional 20 percent have experimented with oral sex or genital fondling.

A federal appeals court on Friday overturned a temporary injunction blocking enactment of Mr. Kline's ruling but provided a two-week window, approximately the expected length of the trial, before the reporting would be required.

Among the issues debated Monday was the very definition of sexual activity. Anal and vaginal intercourse and oral sex are mentioned in the law, as is "lewd fondling or touching" done with "the intent to arouse," which Ms. Jones said could cover even intense French kissing.

Mr. Kline, who is expected to testify Friday, declined to discuss the case. In an e-mail statement, he avoided the central controversy over consensual sex between teenagers of a similar age.

"Plaintiffs are arguing that the constitution does not allow the state to require people to report child rape," the statement said. "We differ. Prosecuting and investigating child rapists depends on such laws, and if the plaintiffs believe that adult-child sex should be legal they need to take that debate to the Legislature rather than initiate litigation."

Similarly, Mr. Kline said last year that prosecuting rapists was his goal in seeking access to the medical files of women and girls who had had late-term abortions, which led to a separate lawsuit awaiting a decision by the State Supreme Court.

Mr. Kline, elected in 2002, also serves as chairman of the Republican Attorneys General Association and has fought against abortion throughout his career. He filed a lawsuit, recently dismissed, to challenge the state's use of Medicaid funds for abortions, and he submitted a brief in a federal case arguing that *Roe v. Wade* should be overturned.

Last year, Mr. Kline successfully lobbied the Legislature to require that abortion providers collect fetal tissue from patients younger than 14 and turn it over to law enforcement.

"He's certainly on a crusade to limit or eliminate abortion in Kansas," said Peter Brownlie, chief executive of Planned Parenthood of Kansas and Mid-Missouri. "That's been a clear agenda for a long time." Mr. Brownlie said Mr. Kline had helped make Kansas a national battlefield in the abortion debate.

But the doctors, nurses, counselors and educators suing over Mr. Kline's interpretation of the reporting law say it goes far beyond abortion to include every teenager who requests birth control pills or H.I.V. testing, or who in a group therapy session even discusses "heavy petting" with a boyfriend or girlfriend.

"If they know what they tell me is reported, they simply won't talk," said Beth McGilley, a Wichita therapist who is among the plaintiffs, referring to both teenage clients and adults who often consult her about their children's sexual exploration.

"To me, it's violating what, quite essentially, therapy is couched in: confidentiality," Ms. McGilley said. "You have two 15-year-olds mashing in the back seat of the car — who's the criminal here? Do we really need Big Brother to decide whether or not that needs to be judiciously pursued?"

# Wal-Mart plans child safety event

By ERICA KOLASKI  
Tribune Staff Writer

January 31, 2006

CHEBOYGAN - The local Wal-Mart will be hosting a "Smart Parent & Safe Baby" event on Saturday.

Wal-Mart spokesman Aaron Emerson said that in the fall of 2005, Wal-Mart hosted the first-ever "Smart Parent & Safe Baby" event with the National Center for Missing and Exploited Children and Abbott's Ross Products Division.

"Parents and guardians received free information about child safety and wellness as well as free child identification kits at the event," he said.

Now, because of popularity of the first program, Wal-Mart stores across the U.S., including Cheboygan, will host another event from 10 a.m. until 4 p.m. Feb. 4.

Emerson said that parents will again be able to receive free identification kits, while supplies last, which include DNR technology which will keep for up to 14 years.

"Parents and guardians will also receive safety tips from the National Center for Missing and Exploited Children, and baby wellness facts from partners such as PediaSure and Similac baby formulas," he said.

The National Center for Missing and Exploited Children provides the following tips to help parents and guardians practice good safety measures:

€ Keep an accessible, up-to-date, good quality photograph of your child in case of an emergency.

€ Never let young children go places alone. Be clear about the places and homes they can visit.

€ Know where your children are and whom they are with at all times.

€ Never leave children unattended in an automobile, whether it's running or not.

€ Talk openly to your children about safety. Make an outing to a mall or park a "teachable" moment.

For more safety information, visit [www.missingkids.com](http://www.missingkids.com) or call 1-800-843-5678.

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# Michigan waiting for health care answers, too

*Tuesday, January 31, 2006*

*By Sarah Kellogg*

*Washington Bureau/MLIVE*

WASHINGTON -- Michigan residents would be expected to take more responsibility for their medical care under proposals President Bush will unveil tonight at 9 in his annual State of the Union address.

The president will announce his support for a series of tax breaks and financial incentives that would make it easier for the uninsured to get health insurance, for businesses to provide insurance for their workers and for government to rein in overall health-care spending nationally.

"The fact that the president is elevating health care this year in his State of the Union is great news for Michigan ... and great news for manufacturing," said U.S. Rep. Mike Rogers, R-Brighton. "He's applying the free market and expanding what we know is starting to work." The president's chief proposal is expected to be the expansion of health savings accounts (HSAs) -- tax-free, interest-bearing accounts that can be used to purchase high-deductible insurance plans and to pay for medical expenses. In 2006, the plan has a minimum deductible of \$1,050 for individuals and \$2,100 for families.

The president is expected to press Congress to increase tax advantages for HSAs by allowing consumers to put more money into the accounts every year and to deduct the cost of premiums for high-deductible insurance policies.

Pretax contributions to HSAs by an individual or employer are capped at \$2,700 for 2006. Family contributions are limited to whichever is less -- \$5,450 or the medical plan's family deductible.

But some observers say that high-deductible plans could prompt some individuals to make choices that would save money in the short run but could have devastating medical consequences in the long run, such as postponing mammograms because a consumer might be expected to pay the entire cost.

"As we go more into having people make their choices independently about health care, the evidence is overwhelming that people won't make the right choices," said Dr. A. Mark Fendrick, a University of Michigan medical school professor. "With these cost savings or cost reductions, I feel very, very strongly there will be a decrease in the utilization of essential medical services."

Among the other proposals the president is expected to endorse in his speech are:

An initiative to allow small businesses to join together in so-called association health plans to pool their risk and provide insurance to their employees at a reduced price;

A proposal to allow taxpayers to deduct more of their medical expenses from their taxes by reducing where the deduction kicks in. Currently, once an individual spends more than 7.5 percent of his adjusted gross income on health care, he can deduct those expenses;

And legislation to reform the medical malpractice system to make it more difficult for patients to sue health-care providers.

While the president may be embracing a consumer-driven solution to the nation's health-care woes, not everyone is convinced it will work either to trim the \$1.9 trillion spent annually on health care in the United States or to make health care more affordable for the 45.5 million uninsured Americans. About 1.1 million people in Michigan are uninsured.

"I think consumer-driven health plans ... will fundamentally and adversely impact the way we finance health care in this country," said Mila Kofman, a professor at Georgetown University. "They will make private health insurance less reliable, less affordable, less secure and less adequate. They will make Americans sicker and stuck with more medical bills."

The president is likely to find more support for his proposals to use high technology to reduce administrative costs by streamlining medical records and creating a national system of electronic health records.

Michigan Democrat U.S. Sen. Debbie Stabenow has sponsored legislation to set aside \$4 billion in federal grants and tax breaks to encourage health-care providers to invest in technology. "The health-care system is the least-connected and wired (industry) in the country," said Stabenow. "We need to bring it up into the 21st century."

Tuesday, January 31, 2006

The Detroit News

## **Granholm health care plan could bust budget**

### **Bush's better strategy lets Americans control spending**

The stampede to expand health care entitlements, pushed by both Democrats and Republicans, must be reversed. Neither the country nor Michigan can afford to expand benefits in a system that's already too costly.

President George W. Bush got things rolling with his Medicare prescription drug benefit, a confusing and expensive program that went into effect this month. The new program pushes the rapidly failing senior health plan closer to disaster.

In Washington, both Republican and Democratic lawmakers are toying with some form of national catastrophic health insurance plan to relieve employers of their most expensive coverage burden.

Now, Gov. Jennifer Granholm wants Michigan to make a deeper commitment to universal health care, even though the state is already sagging under a Medicaid bill that consumes nearly 25 percent of the state's General Fund budget.

Medicaid is the joint state-federal health insurance program for the poor. She vowed in her State of the State program to provide "affordable health care for 550,000 people."

Granholm's proposal would cost an estimated \$1 billion. The money would come by identifying as much as \$400 million in existing state health care spending for which the state is not receiving federal matching funds and negotiating perhaps \$600 million in additional payments from Washington.

The state, the governor notes, could not "double match" the same state spending. So her plan is an admission that the state to date has not received as much as it could from the federal government.

But even this new money, if it materializes, could not cover all who might qualify. That means that the state is proposing to add another health care entitlement to the one that now consumes so much of the state's discretionary spending.

And federal matching funds could always be withdrawn in the future, leaving the state with either an increased spending burden of its own or a difficult political problem.

Policymakers in both Washington and Lansing ought to be looking for ways to contain entitlement spending, not increase it. The emphasis should be on helping providers control costs, through things like limits on medical malpractice awards, and encouraging consumers to be more responsible.

To that end, the president tonight will talk about expanding health care savings account in his State of the Union address.

The tax-deferred accounts help individuals buy their own health insurance and reward them for being responsible consumers.

Open-ended entitlements are draining federal and state budgets. It is fiscally irresponsible to add to them, as Granholm's new proposal would do.

Bush is now pursuing the better approach of trying to contain costs through innovative approaches.



# Free meds still available through health clinic

By Mardi Suhs, Cadillac News

January 31, 2006

CADILLAC - Medicare started providing insurance for prescription drugs on January 1, 2006.

Since then, Cadillac's free health clinic, the Cadillac Area Community Health Clinic, has been plagued by rumors that their Medication Access Program, providing free medication to low-income clients, has closed.

"With the confusion on Medicare D," explained clinic director Lucy Tomasi, "a lot of our clients and the public think that our Medication Access Program is closing. That's not true. We are not closing our doors," Tomasi emphasized. "Our doors are still open."

The MAP program has 1,100 clients and about 54 percent of those are Medicare eligible. Last year the program filled nearly 8,000 free prescriptions worth \$1.8 million for those local clients.

"That's what people would have paid if we didn't have this program," she said. "All of these free medications are provided by drug companies."

Almost all pharmaceutical companies have an "indigent drug program" to provide free medications to people who can't afford them.

"The doctors' offices have been applying to indigent drug companies for years," Tomasi pointed out. "But the paperwork is horrendous."

That's where the staff and volunteers of MAP come in. They have taken the time to research what companies offer what free drugs and they know how to fill out all the paperwork.

Currently, MAP deals with 41 drug companies that provide free meds to locally qualified patients.

With the onset of Medicare D, drug companies are deciding if patients who qualify for Medicare D will still qualify for the indigent drug programs. And this indecision is causing confusion among senior citizens forced to decide if they should apply for Medicare D or gamble that their drugs will remain free through the indigent plan. And there is a financial penalty for senior citizens who don't choose a Medicare plan by May 15, 2006.

Of the 41 drug companies supplying free medications locally, 13 have not decided.

"The general tone is that the drug companies are still changing (their minds). So we don't quite know what is going to happen," Tomasi said. "So seniors are being asked to make these decisions based on what a drug company is doing today and we don't know about tomorrow."

Bonnie Forbes of the Council on Aging said that with Medicare D, from what she has seen, there

wouldn't be as many free drugs.

“We are still helping as many people as possible to understand Medicare D,” she explained. “We have three counselors here to take applications and go online and sign people up. We see that it helps some people a lot - except for those with free meds. It seems to hurt them. They are falling through the cracks.”

Here is a case study of how this affects one MAP client.

A client now on 10 medications gets nine of them free through MAP.

Four of the drug companies have stated he can still receive free medication, even if he does not sign up for Medicare D.

Three of the companies haven't decided.

Two of the companies said that because he is Medicare eligible, he no longer qualifies in their indigent program.

To sort through this information, the client went to the Council On Aging and looked at all Medicare D plans available. None of them offered all his medications. Next, they found a plan that would cover most of his meds. After running the figures, he and his wife would pay \$472 a month for his prescriptions, which, after the rest of their monthly bills are paid, would leave them with \$50.

“Medicare D is really a mixed bag designed to help everybody and everyone is eligible,” said Tomasi. “But for people who have been getting their drugs through an indigent program, it is not helpful.”

For now, MAP clients are encouraged to investigate each plan offered in Michigan to see which plan offers the most of their medications.

“This is very confusing to them,” stated Karen Zenner, coordinator for MAP. “There are 40 plans (Medicare approved private drug plans) just in Michigan.”

Tomasi said her office has been calling all the government offices and lawmakers and giving case studies of people who are helped and those who are not helped.

“No program is perfect,” she admitted. “We know that. But it's a big help to people who meet the federal poverty guidelines.”

For now, senior citizens can seek help at the Council on Aging, where a computer program can help them sort through the different programs offered in Michigan.

Call 775-0133 for information.

# Medicare drug plan has recipients drowning in options

Tuesday, January 31, 2006

By Brian Wheeler  
bwheeler@citpat.com -- 768-4928

Helen McConnell has 41 reasons to be frustrated.

That's the number of insurers willing to help pay for her disabled son's prescription drugs. McConnell would like to tap a new benefit that covers drug costs for people on Medicare, but she is drowning in options.

"To have 41 different plans? Even a dozen would be too many," the Michigan Center resident said Monday.

The head of a Michigan program that helps the public deal with Medicare told her and about 30 others at Jackson Community College that there is a lot of confusion with the federal prescription-drug coverage.

People started signing up for the new benefit Jan. 1, and those who qualify must enroll in one of the 41 private insurance plans by May 15 or pay higher prices for drug coverage for life.

"Is it the best thing since sliced bread? For some people, it is. For others, it's a little more challenging," said Mary Johnson, director of the state Medicare/Medicaid Assistance Program.

"On the whole, this is a great plan, and we have to work out some kinks."

Those kinks were on display Monday. The forum's sponsor, state Rep. Rick Baxter, said his office routinely fields calls for help.

State and county officials who work with seniors say they have been swamped.

The gripes with the drug coverage start with the number of competing insurance plans. They carry monthly premiums from \$21 to \$65, cover varied drugs and can steer Medicare recipients toward certain pharmacies.

"It's not one size fits all," Johnson said. "A plan that covers drugs for me may or may not be good for someone else."

Jackson residents Sandra and Jerry Brockie said the challenges go beyond finding a plan.

Monday was at least the third information session they've sat through as they help enroll their mothers.

"It's very complicated," Sandra Brockie said. "If you don't know what to ask, it's not offered."

# It's time to stop corporate health freeloaders

*State Sen. Ray Basham / Detroit News Editorial  
Tuesday, January 31, 2006*

Most corporations provide affordable health insurance to their workers. However, a few unscrupulous companies have discovered that they can gain a competitive advantage by forcing the taxpayers to pick up the tab on their health-care-related costs. While this may be good for the bottom line, it is having devastating consequences on public health in Michigan.

According to the Michigan Department of Human Services, four large corporations in our state, each with more than 10,000 employees, have double-digit percentages of their work forces on public assistance. One of these corporations is costing taxpayers approximately \$46 million annually in Medicaid-related costs alone. That's tens of millions of dollars annually that would be better spent to improve our roads, schools, and the quality of life of our citizens.

My legislation, Senate Bill 734, would protect Michigan taxpayers from highly profitable companies who want to shift their health-care-related costs onto an already struggling Medicaid system.

The "deadbeat boss bill" sends the unmistakable message that our public assistance programs exist to assist the poor and disadvantaged, not to subsidize some of the most profitable companies in the world. Companies like Wal-Mart have systematically denied their employees the hours necessary to qualify for company health care benefits. Those workers who do manage to qualify for benefits are frequently offered a plan they simply cannot afford. This drives thousands of their workers and dependents onto public assistance.

To allow this practice to continue is not only unfair to state taxpayers but it is also unfair to the competition. How long, for example, can a grocer providing healthcare coverage to its work force compete with a rival grocer that offers no insurance?

Without action, Wal-Mart's competitors could be forced to eliminate health care benefits to their own employees. More workers without health care will result in more of a burden on the taxpayer-financed Medicaid system.

It is not my intention to single out Wal-Mart. It is only the most highly publicized offender.

There are 18 large corporations in Michigan with 10,000 or more employees, and the proposal asks all of them to play by the same rules. It asks all of them to invest the national average of 8 percent of payroll into employee health care benefits.

If every large employer makes an average investment into their employee's health, we can save the taxpayers tens of millions annually and dramatically improve health care delivery in Michigan.

Earlier this month, legislation nearly identical to mine was enacted into law in Maryland. As a result, 17,000 employees in that state now have better access to affordable health care. That alone justifies all of the struggle and effort.

To no one's surprise, opponents have resorted to scare tactics. The most common claim is that this legislation will cost Michigan jobs.

But this claim falls flat when you consider the companies involved are in retail and services. Unlike manufacturers, the retail and service industry must stay near their local markets. The companies making these threats understand that if they were to abandon a market, a competitor would just step in to assume their place.

This proposal will increase access to health care for thousands and reduce the annual burden on taxpayers by nearly \$100 million.

*State Sen. Ray Basham is a Democrat representing Taylor. E-mail letters to [letters@detnews.com](mailto:letters@detnews.com).*

Published January 31, 2006

## **Caregiver background checks near Lawmakers, governor expected to approve bill**

By Stacey Range  
Lansing State Journal

It was difficult enough for Jean Barber to decide to put her husband into a nursing home.

She didn't need the added worry of whether the Alzheimer's patient would be harmed or taken advantage of by his caretakers.

"You hear about the problems other people have encountered, and it's scary," the Lansing woman said. "Any information you can get on the place makes it easier."

All Michigan residents soon could have greater security in knowing their loved ones aren't being cared for by criminals.

After almost a year of negotiations, state lawmakers are poised to approve strict guidelines this week requiring state and federal criminal checks on almost all workers at residential care centers as well as in-home care providers for the elderly and disabled.

The legislation, which could be approved as early as today, also prohibits people with certain convictions from working as caregivers for a minimum of 10 years.

Gov. Jennifer Granholm, who mentioned the bills in her State of the State address last week, is expected to sign them.

The bills were prompted by a study last year that found one in 10 nursing home employees in Michigan had a criminal history.

The study by the Michigan Attorney General's Health Care Fraud Division showed that 9 percent of the state's certified nurse's aides - who often work in nursing homes - had outstanding criminal warrants, and 3 percent had past convictions.

Experts say the findings cause even greater concern as the first group of 78 million baby boomers begins to retire. Already, health care resources are strained, and there's growing concern that a national shortage of professionals could lead some to take shortcuts and others to take advantage of the situation.

"This is a serious situation," said Bill Knox, lobbyist for AARP of Michigan. "Lots of people my age are caring for aging parents or having to find places for them, and they have to make sure the places they put them aren't going to harm them. We can't be too careful."

## Growing crimes

Fear of caretaker abuse - both physical and financial - is real.

Numerous cases of embezzlement and fraud have made headlines in recent years. And financial exploitation is the fastest-growing crime against the elderly, according to the Attorney General's Office.

In 2003, a registered nurse in Howell was caught siphoning prescription painkillers from hospice patients' patches for his use and putting the empty patches back on patients. Jeffrey Wolos, a unit supervisor at Medilodge nursing home, pleaded guilty to patient abuse and controlled substance violations. He was sentenced to 90 days in jail and 18 months of probation.

"We always knew there were loopholes in the law that needed to be fixed," said Kristen Parker of the Health Care Association of Michigan, which represents nearly 300 nursing homes and assisted living center statewide. "We need to make our homes as safe as possible for our residents."

Under the legislation, the state's 5,000 residential care facilities and home care providers would have to obtain fingerprints and conduct criminal background checks of all new employees who have direct contact with patients or residents.

People with certain criminal convictions couldn't work as caretakers for at least 10 years.

In addition, facilities must obtain fingerprints of all current employees, which would be entered into a database so future criminal convictions could be monitored.

A proposal that checks be conducted annually was stricken from the package because it proved too costly.

Under current law, only applicants who have been in Michigan less than three years must undergo FBI fingerprint checks. And all other new hires since 2002 have been subjected to just a basic check that includes running the applicant's name through an Internet criminal history program run by the Michigan State Police.

## Protection welcome

Caregivers welcome the added security the rules will afford their residents and families, especially now that it's not at their own cost.

Early versions of the bills called for workers to pay \$54 for the fingerprinting check. But the federal government recently awarded the Michigan Department of Community Health a three-year, \$5 million grant to cover the costs.

The money, part of a \$25 million federal program to set up pilot projects in five states, will pay for the background checks and training of 11,000 Michigan health care workers to recognize abuse and neglect.

Federal funding is expected to continue at 100 percent following the grant period.

Many nursing homes already exceed the law and perform checks on all employees, not just those for whom it's required.

East Lansing Health Care Center, where Jean Barber placed her husband, runs the names of all potential employees - whether a nurse, maintenance or dietary worker - through the state database.

Arcadia Home Health Professionals, which has about 500 workers in and around 10 Michigan cities, including Lansing and Battle Creek, does the same.

Marketing Director Lorrie Zorbo said the service has to be careful about who it employs.

"It's scary letting a stranger largely unsupervised in your home," she said. "We have to be absolutely sure these people are morally and ethically sound."

Contact Stacey Range at 377-1157 or [srange@lsj.com](mailto:srange@lsj.com).

### **Criminal checks likely to gain final approval**

Strict rules to safeguard the elderly and disabled are expected to get final legislative approval this week. Under the bills:

- All workers who have direct contact with residents of nursing homes and other services that care for the aging and impaired would have to submit to a full criminal history check, including fingerprint analysis.
- Workers hired before May 2002 would be exempt from checks but would have to submit fingerprints to keep on file.
- Prospective employees convicted of felonies would have to wait 15 years after serving their sentences before being eligible for work as caregivers. Those convicted of misdemeanor drug, abuse, neglect, assault, battery or criminal sexual conduct offenses would have to wait 10 years.
- The law would apply to workers in nursing homes, county medical facilities, hospices, homes for the aged, home health agencies, psychiatric facilities and adult foster care facilities.

- The bills would take effect 60 days after federal funding is secured to reimburse employers' costs of checks.
- Employers who fail to comply would face up to a year imprisonment and a fine up to \$5,000. They also could be held liable for any injury or death linked to someone with a criminal history.

Source: Michigan Legislature



# United Way falls \$600,000 short of goal

Tuesday, January 31, 2006

By Ted Roelofs  
The Grand Rapids Press

KENT COUNTY -- The combination of an ailing manufacturing sector and aid sent to victims of Hurricane Katrina was more than Kent County's United Way campaign could overcome, as this year's drive fell \$600,000 short of the mark.

The campaign netted \$13.8 million, shy of its \$14.4 million goal. It is a drop from last year's fund drive, which raised just over \$14 million, but less than its \$14.2 million goal.

"It's no secret the struggles we are having in the manufacturing sector," said Robert Haight, president of Heart of West Michigan United Way. "We were down about \$350,000 in that sector."

Haight said contributions from the public sector dipped by about \$70,000 as well.

Although Ottawa County has yet to complete its campaign, officials there report similar challenges.

"It has not been an easy year to fund-raise in, considering the natural disasters that have happened," said Sylvia Geisler, president of Greater Ottawa County United Way.

"I think the economy in Michigan has had an effect as well. People are fearful about their employment."

The United Way campaign in Ottawa County raised \$2.4 million last year, a mark Geisler hoped to equal in this year's drive.

Despite the shortfall in Kent County, Haight expected the agency could maintain its contributions in critical areas such as emergency food and housing, while it continues to focus on programs that affect early childhood development and literacy.

"Those are the two areas we need to make a greater investment," Haight said.

As West Michigan makes a transition from a manufacturing to a "knowledge-based" economy, Haight said, those two areas will be critical to the future.

"We need to get on the front end of that so we have a work force prepared for those new jobs," Haight said.

In the meantime, much of the economic news continues to be bleak -- especially for blue-collar workers laid off from their jobs or threatened with pay cuts.

The region's furniture industry has lost more than 10,000 jobs since 2001. Delphi Corp. has filed for bankruptcy and threatened to slash workers' wages from \$27 an hour to \$12.50 and Electrolux in Greenville will close by March, culminating in the loss of 2,700 jobs.

Given those realities, Haight said, it's unrealistic to think the campaign could expect rising contributions from workers.

But Haight said the agency continues to look for innovative ways to reach out to the less fortunate, including partnerships and programs like its Earned Income Tax Credit drive, which helps low-income residents apply for the federal credits. Haight said that resulted in credits of \$3 million for low-income families.

The agency also is managing a \$500,000 grant for after-school programs in partnership with the Grand Rapids Public Schools, Haight noted.

Despite its struggles to boost its annual campaign, Haight said, the region must expect more for its money.

"The untold part of the story is the economic impact of what we do with that \$14 million. I do think our donors are doing more with their money than they have previously."

Monday, January 30, 2006 12:41 PM EST

## **Salvation Army reports pantry in need of food**

From staff reports

ADRIAN - The Salvation Army Food Pantry is in need of peanut butter, canned soup, green beans, canned tuna and Hamburger Helper, according to a news release from Capt. Gordon Knight.

Donations can be taken to 217 W. Church St. from 8 a.m. to noon and 1 to 4:30 p.m. Monday through Friday. For more information, call the Adrian Corps Community Center at 265-2038.

Jan 29, 8:20 PM EST

## Florida charity accused of bilking millions from retirees

DEERFIELD BEACH, Fla. (AP) -- A charity and its sister nonprofit organization that claimed to help disadvantaged children received \$5.3 million in donations from retirees across the country but sent only about \$110,000 to the needy, according to authorities and documents.

Federal tax returns and accounting records showed that less than 2 percent of the funds donated by retirees to the Global Mindlink Foundation and Select International Donors since August 1999 went to charity, the South Florida Sun-Sentinel reported Sunday.

Analysis of more than 170 recorded phone calls from June 2005 showed that telemarketers pressured senior citizens for donations, and were able to get checking account and other information. Some donors seemed confused or hearing-impaired. Pearl Jones, 88, of Saginaw, Mich., told a Global Mindlink employee in a June 28 recording that she was not sure she had \$216 in the bank to donate. Jones said she was taking medicine and had suffered two heart attacks, but the nonprofit group withdrew the money from her bank account.

Lori Griffus said she told the companies earlier to stop calling Jones, her grandmother, who has difficulty hearing. But Jones lost about \$3,000 to the two nonprofits, Griffus said.

Some donors were charged \$490 for a "membership," while others paid \$49.95, and in return received a newsletter with word puzzles, the Attorney General's Office alleged in a consumer protection lawsuit settled last week. Some of the puzzles had no solutions.

Company officials used the payments and donations for such expenses as a \$2,885 stay at a Key West hotel and a \$301 meal at a Boca Raton restaurant, examination of more than 700 pages of court documents and sworn statements, along with more than 1,500 pages of financial records showed. The Attorney General's Office obtained the records after the two companies shut down and left the papers behind in their shared office.

Court records showed that Denise C. Battista, who ran both Global Mindlink and Select International, made \$630,000 from the two organizations in two years. Lynne Tallman, a director of Select International Donors, said in a sworn statement that she received \$7,500 a week for two years although she did no work.

Last week, Battista reached an agreement with the Attorney General's Office to settle the lawsuit against the two companies, which shut down last summer after the Attorney General's Office began its investigation.

The probe showed that some telemarketers called repeatedly for donations, and at times, money was withdrawn from donors' accounts without authorization.

Marie Woods, 74, of Coconut Creek, gave \$316 to Global Mindlink on June 7, \$449 to Select International on June 15 and \$416 to Global Mindlink on June 30. She does not remember the calls and had no idea so much money was being taken from her account, she said.

"I feel pretty rotten. I could use that money right now," she said.

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Information from: South Florida Sun-Sentinel, <http://www.sun-sentinel.com>

# Man arraigned on assault charges

Tuesday, January 31,

[rhall@kalamazoogazette.com](mailto:rhall@kalamazoogazette.com) 388-7784

A Kalamazoo Township man who police say kidnapped his estranged wife this past weekend and then sexually assaulted her several times was arraigned Monday in Kalamazoo County District Court.

Marvin Scott Horn, 39, has been charged with one count of kidnapping and four counts of first-degree criminal sexual conduct, according to Portage police. Horn will be back in court on Feb. 8 for a preliminary examination, at which time a judge will determine whether there is enough evidence to send the case to trial.

Authorities said Horn and his estranged wife, who has not been identified, had met Friday at a local restaurant to discuss business. After dinner, Horn allegedly lured the woman to his vehicle, forced her inside and then bound and gagged her.

Investigators said Horn then took the woman to an address in Kalamazoo where he sexually assaulted her over several hours.

The incident was reported to Portage police at about 3 p.m. Saturday. Horn was arrested at his apartment Sunday, police said. He is being held in the Kalamazoo County Jail on \$250,000 bond.

Upper Peninsula, January 30

## **Granholm Wants To Raise Minimum Wage**

### **Michigan's minimum wage has been \$5.15 for nine years.**

In last week's state of the state address, Governor Granholm says she wants to raise Michigan's minimum wage.

The state's wage has been at \$5.15 for nine years. Granholm said that either the legislature should raise wages, or the voters will. Democrats have been circulating a ballot initiative to raise minimum wage to \$6.85.

But some local businesses say the increase could hurt their business. At Culver's in Marquette, the manager says the increase in wages could mean paying more for your favorite burger.

In addition, those opposed to the hike in wages say the increase could dissuade businesses from coming to the state.

*MIRS*

*January 31, 2006*

## **DeVos Not Pushing Right To Work**

Six hours after Gov. Jennifer Granholm invaded the Amway Plaza last Friday, her likely Republican challenger quietly showed up at the same place unbeknownst to the members of the Michigan Press Association, which had hosted the governor.

Dick **DeVOS** was there speaking to a private group of real estate officials who were kind enough to let *MIRS* sit in on the private session.

One of the first questions he fielded dealt with turning Michigan into a "right to work" state. So what do you think he said? Careful, popular wisdom is often wrong as it was in this case.

DeVos told the crowd of about 200 that a debate over right to work in Michigan would be "a prolonged and divisive debate." He reassured the group that "we can be competitive without dealing with that issue in that way."

He fielded questions after a brief 15-minute speech on how he helped to turn his ailing company, Amway, around and how he did likewise with the City of Grand Rapids. He declared solving these problems was parallel to the state's economy and argued he could turn around the state's problems, too.

Another question dealt with school funding. On that DeVos said expanding the economy would create money so school funding could be increased. However, he said the system was eating up too much money in administrative costs ... some 43 cents of every school dollar. He did not bring up, nor did he endorse, a legislative proposal to earmark 65 cents of every education dollar for the classroom.

One audience member wanted to know if a Republican could actually win this race. DeVos revealed that he had done a "risk management" assessment of the contest and figured that with enough independent-ticket splitter voters he could upset the incumbent.

He observed that the state "tends to be Democratic in presidential years." But added, "This state is prepared to look at the candidate and not the party labels."

DeVos says he "kinda cringes" when he is introduced as a politician, preferring instead to be known as a businessperson. He noted that the current governor had to hire someone to be her top economic person while he argues, "I intend to be the chief economic officer in Michigan."

When it got to be almost 6 p.m., DeVos noted that the group was probably eager to eat dinner.

"The last thing you want is some politician" (and then as the audience and he laughed, he corrected himself) "err, businessman talking too long."

With that he asked for their votes, said thank you and got a standing ovation.